

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.

PCT/BE2004/000112

INTERNATIONAL FILING DATE

August 4, 2004

PRIORITY DATE CLAIMED

August 8, 2003

TITLE OF INVENTION

DEVICE FOR TREATING NIGHTTIME BREATHING PROBLEMS

APPLICANT(S) FOR DO/EO/US

Jozef Frans NELISSEN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is transmitted herewith.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98-1449, International Search Report (PCT/ISA/210 and PCT/ISA/220) in English and PTO Form 1449
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Formal Drawings; Article 19 Amended Sheets

10/567372

IAP9 Rec'd PCT/PTO 07 FEB 2006

<small>U.S. APPLICATION NO (if known, see 37 CFR 1.5)</small> NEW		<small>INTERNATIONAL APPLICATION NO</small> PCT/BE2004/000112		<small>ATTORNEY'S DOCKET NUMBER</small> 5100-000032/US													
21. <input checked="" type="checkbox"/> The following fees are submitted: PCT FEES – NATIONAL STAGE: <table style="width:100%;"><tr><td style="width:15%;"><u>Fee Code</u></td><td style="width:55%;"><u>Description</u></td><td style="width:30%;"><u>Fee</u></td></tr><tr><td>1631</td><td>Basic National Stage Fee.....</td><td>\$300.00</td></tr><tr><td>1632</td><td>National Stage Search Fee.....</td><td>\$400.00</td></tr><tr><td>1633</td><td>National Stage Examination Fee.....</td><td>\$200.00</td></tr></table> ENTER APPROPRIATE FEE AMOUNT =				<u>Fee Code</u>	<u>Description</u>	<u>Fee</u>	1631	Basic National Stage Fee.....	\$300.00	1632	National Stage Search Fee.....	\$400.00	1633	National Stage Examination Fee.....	\$200.00	CALCULATIONS PTO USE ONLY	
				<u>Fee Code</u>	<u>Description</u>	<u>Fee</u>											
1631	Basic National Stage Fee.....	\$300.00															
1632	National Stage Search Fee.....	\$400.00															
1633	National Stage Examination Fee.....	\$200.00															
				\$	<u>900.00</u>												
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	<u>130.00</u>												
PAGES		PAGES FILED	EXTRA PAGES FILED IN 50 PAGE SEGMENTS	RATE													
Total Pages		18 - 100 = 0	-1	X	\$ 0.00												
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE													
Total Claims		13 - 20 =	0	X 50.00	\$ 0.00												
Independent Claims		1 - 3 =	0	X 200.00	\$ 0.00												
MULTIPLE DEPENDENT CLAIM(S) (if applicable) _____				+ 360.00	\$ 0.00												
TOTAL OF ABOVE CALCULATIONS =					\$ 1,030.00												
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$ 515.00												
SUBTOTAL =					\$ 515.00												
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).					\$ _____												
TOTAL NATIONAL FEE =					\$ 515.00												
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					\$ _____												
TOTAL FEES ENCLOSED =					\$ 515.00												
					Amount to be: refunded \$												
					charged \$												
a. <input checked="" type="checkbox"/> A check in the amount of \$515.00 to cover the above fees is enclosed.																	
b. <input type="checkbox"/> Please charge my Deposit Account. No. 08-0750 in the amount of \$ _____ to cover the above fees. A triplicate copy of this sheet is enclosed.																	
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-0750</u> .																	
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																	
Send all correspondence to: Harness, Dickey & Pierce, P.L.C – Customer No. 30593 Post Office Box 8910 Reston, Virginia 20195																	
Date: February 7, 2006			By <u>Donald J. Daley</u> Donald J. Daley, #34,313														
DJD:dpg																	

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PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant(s): Frans Jozef NELISSEN
Int'l Application No.: PCT/BE2004/000112
Application No.: NEW APPLICATION
Filed: February 7, 2006
For: DEVICE FOR TREATING NIGHTTIME BREATHING PROBLEMS

LETTER

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop **PCT**


February 7, 2006

Sir:

Amended claims are attached hereto (which correspond to Article 19 amendments or to claims attached to the International Preliminary Examination Report), as required by 35 U.S.C. § 371(c)(3). The Article 19 amended claims are incorporated in the included Preliminary Amendment.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: 
Donald J. Daley, Reg. No. 34,313

DJD:dpg

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000